THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23078 of 2002 &
W.P.Nos.1621 & 15748 of 2003

COMMON ORDER:

The only controversy in these writ petitions is that though the petitioners are paying seigniorage fee at the source of mining of mineral, the same is being again deducted from the running bills as per the contract entered between the parties under G.O.Ms.No.23 dated 5.3.1999 by the second respondent.

According to the petitioner, the fourth respondent is collecting seigniorage fee as per the A.P. Minor Mineral Dealer's Rules 2000 at the source of execution of minor mineral and the second respondent is also simultaneously deducting seigniorage fee as per the agreement entered between the parties from the running bills and this amounts to collecting double fee. In fact in this regard, petitioner made a representation on 9.9.2002 bringing the facts to the notice of the respondents. The respondents addressed letter to the petitioner on 25.10.2002 stating that "seigniorage charges in respect of the above works concerned will come under statutory recovery, which are to be recovered from the contractor's running account bills of the agency. Hence the recovery to that effect will be processed from the running account bills of the above works as per the rates being fixed from time to time by the Mine's Department and agreement conditions". There is no categorical reply as to whether the Department is entitled to collect double seigniorage fee or the seigionrage fee collected at the source will be given credit to while deducting the same under the agreement.

A detailed counter affidavit has been filed stating that on production of documentary evidence by the petitioner, the same will be enquired by the Mines Department and necessary action will be taken.

In nutshell, whatever collected from the source shall be given credit to while deducting seigniorage fee as per the above said G.O.

In view of the same, there cannot be any dispute, which has to be resolved in these writ petitions.

Accordingly, the writ petitions are disposed of directing the third respondent to give credit to the amounts already paid towards seigniorage fee by the petitioners at the source of mining, if the petitioners produce evidence to that effect or by calling report from the Mines Department in this regard. This exercise shall be done within a period of three months from the date of receipt of a copy of this order. The third respondent shall pass speaking orders and communicate the same to the petitioners. There shall be no order as to costs.

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C.V.RAMULU, J

Date: 11.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

11.9.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23078 of 2002 &
W.P.Nos.1621 & 15748 of 2003

Dated: 11th September, 2006

Between:

Inter Continental Constructions (India) Ltd.,
D-13, Karthik Apartmetns, 46, Vijsya Raghava Road,
T.Nagar, Chennai.

.. Petitioner in W.P.Nos.23078 of 2002 &
15748 of 2003

M/s Vishnu Constructions & Co.,
Kukatpally, Hyderabad. .. Petitioner in W.P.No.1621 of 2003

and

Government of Andhra Pradesh,
rep. by its Secretary, Irrigation &
Command Area Development (PW:COD)
Department, Secretariat, Hyderabad & others.
.. Respondents